

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter Of The Application of)
PAETEC Communications, LLC)
For An Automatic Grant of Authority) WC Docket No. _____
To Discontinue Services Pursuant to)
Rule Section 63.71(i) and Section 214)
of the Communications Act of 1934)

SECTION 63.71(i) APPLICATION OF PAETEC COMMUNICATIONS, LLC.

PAETEC Communications, LLC, a Windstream company (hereinafter, "Windstream"), through its undersigned counsel and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, and Section 63.71(i) of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. §63.71(i), hereby files this Application for automatic grant of authority to discontinue, concurrent with the effective date of Verizon's retirement of the underlying copper facilities, the provision of DSL, Ethernet, ISDN and PBX Trunk services (the "Affected Services") in the areas of hereinafter identified. In support of this Application, Windstream submits the following information:

1. Information listed in 47 C.F.R. § 63.71(a)(1)-(4) (47 C.F.R. § 63.71(b)(2)):

a. Name and Address of Carrier (47 C.F.R. § 63.71(a)(1)-(4), (b)(2)):

PAETEC Communications, LLC
4001 North Rodney Parham Rd.
Little Rock, AR 72212

b. Date of Planned Discontinuance (47 C.F.R. § 63.71(a)(2), (b)(2)):

Windstream plans to discontinue the Affected Service on or about January 13, 2020.

c. Point of Geographic Areas of Service Affected (47 C.F.R. § 63.71(a)(3), (b)(2)):

The Affected Services will be discontinued in the areas of Towson, MD; Jersey City and Ridgewood, NJ; Hewlett and Liverpool, NY; Philadelphia, PA; Providence, RI and Richmond, VA. .

d. Brief Description of the Type of Service to be Affected (47 C.F.R. § 63.71(a)(4), (b)(2)):

The services to be affected are DSL, Ethernet, ISDN and PBX Trunk.

2. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71 (b)(3)):

On date November 8, 2019 Windstream sent by First Class U.S. Mail notice to all affected customers of the planned discontinuance. A copy of such notice is attached hereto as Attachment 1, which is compliant with, among other things, Section 63.71(a)(5) of the Commission's rules, 47 C.F.R. § 63.71(a)(5).

3. Regulatory Classification of Carrier (47 C.F.R. § 63.71 (a)(4)):

Windstream is nondominant with respect to the services that it proposes to discontinue.

4. Service:

In accordance with Section 63.71(a)(1) of the Commission's rules, 47 C.F.R. § 63.71(a)(1), Windstream is submitting a copy of this Application by First Class U.S. Mail to the Maryland Public Service Commission, the New Jersey Board of Public Utilities, the New York Public Service Commission, the Pennsylvania Public Utility Commission, the Rhode Island Public Utilities Commission, and the Virginia State Corporation Commission; and to the Office of

Maryland Governor, Larry Hogan, to the Office of New Jersey Governor, Phil Murphy, to the Office of New York Governor, Andrew Cuomo, to the Office of Pennsylvania Governor Tom Wolf, to the Office of Rhode Island Gina Raimondo, and to the Office of Virginia Governor Ralph Northam; and also to the Secretary of Defense (at the address given in 47 C.F.R. § 63.71(a)).

5. Additional Questions Regarding This Application May be Addressed to the Undersigned.

6. Circumstances of Discontinuance.

Windstream provides the Affected Services across the above-identified areas via a copper-based network that Windstream leases from Verizon. Verizon is retiring the copper network in these locations and replacing it with fiber facilities. It is not technically feasible under the circumstances for Windstream to provide the Affected Services via leased fiber loops -- i.e., the Affected Services are provided on end-of-life copper facilities that are scheduled to be decommissioned on or after January 13, 2020. A total of eleven (11) Windstream business customers will be affected as a result of Verizon's copper retirement. Customers will have the option to transition to alternative services delivered via Windstream or through another provider.

7. Technology Transition

Because some of the legacy services covered by this Application (i.e., ISDN and PBX Trunk services) include voice service capability and cannot be provisioned over fiber facilities, in this instance Verizon's copper retirement is triggering a technology transition¹ by Windstream for these customers. Windstream hereby confirms that it offers a stand-alone interconnected VoIP service throughout the affected service area, and least one other alternative stand-alone

¹ 47 C.F.R. §63.60(i).

facilities-based wireline or wireless voice service is available from another unaffiliated provider throughout the affected service areas.²

7. Conclusion

Verizon's retirement of copper facilities is the direct cause of Windstream's proposed discontinuance of the Affected Service. Thus, automatic approval concurrent with the effective date of the copper retirement – i.e., January 13, 2020 is available, contingent upon the submission of a certification by an authorized representative of the Applicant that the discontinuance is caused by the copper retirement,³ and upon the filing of the Application at least forty (40) days prior to the retirement effective date, which is satisfied here.⁴ Windstream will take reasonable steps, to the extent that is able, to assure that the discontinuance of this service is not unduly disruptive to the present or future public convenience and necessity. Accordingly, Windstream respectfully requests that the Commission process this Application pursuant to Section 63.71(i).

Respectfully Submitted,



Edward J. Cadieux
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November 20, 2019

² 47 C.F.R. §63.71(f)(2)(ii)(A) and (B).

³ See Attachment 2.

⁴ 47 C.F.R. §63.71(i)(1) and (2).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 20th day of November, 2019, by mailing true and correct copies thereof, postage prepaid, to the following persons to the addresses listed below.

Secretary of Defense
Attn: Special Assistance for Telecommunications
Pentagon
Washington, DC 20301

Maryland Public Service Commission
Attn: Terry J. Romine, Executive Secretary
6 Saint Paul Street, 16th Floor
Baltimore, MD 21202

New Jersey Board of Public Utilities
Attn: Kristi Izzo, Secretary of the Board
44 So. Clinton Avenue
Trenton, NJ 08609

New York Public Service Commission
Attn: Kathleen H. Burgess, Secretary to the Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

Pennsylvania Public Utilities Commission
Attn: Rosemary Chiavetta, Secretary
400 North Street, Keystone Bldg.
Harrisburg, PA 17120

Rhode Island Public Service Commission
Attn: Ms. Luly Massaro, Commission Clerk
89 Jefferson Blvd.
Warwick, RI 02888

Virginia State Corporation Commission
Becky West, Secretary
1300 East Main Street
Richmond, VA 23219

Office of Governor Larry Hogan
100 State Circle
Annapolis, Maryland 21401-1925

Office of Governor Phil Murphy
PO Box 001
Trenton, NJ 08625

New York Governor Andrew Cuomo
State Capitol
Albany, NY 12224

Office of Governor Tom Wolf
225 Main Capitol Bldg.
Harrisburg, PA 17120

Office of Governor Gina Raimondo
State House
Providence, RI 02903

Virginia Governor Ralph Northam
State Capitol, Third Floor
Richmond, VA 23219

A handwritten signature in black ink, reading "Edward J. Cadieux". The signature is written in a cursive, flowing style.

Edward J. Cadieux

Attachment 1

Customer Notice

Windstream Services, LLC
4001 N. Rodney Parham Rd.
Little Rock, AR 72212

WINDSTREAM
ENTERPRISE

November 8, 2019

«CONTACT_FIRST_NAME» «CONTACT_LAST_NAME»
«BILLING_BUSINESS_NAME»
«BILLING_ADDRESS_1» «BILLING_ADDRESS_2»
«BILLING_CITY», «BILLING_STATE» «BILLING_ZIP»

If you are not the site contact or administrator, please kindly pass this important notification on to the appropriate party.

IMPORTANT: Service Discontinuance Notification for:
Account #: «BILLABLE_ACCOUNT_ID»
Product Name: «Product»
Service Location: «SERVICE_ADDRESS»
This Change in Service Requires Action on Your Part

Dear Valued Customer,

Because your business matters to us, we wanted to provide advance notification of an important change being made for services in your area.

Our underlying provider will no longer be offering some services in certain areas effective January 13, 2020. As a result, customers in the following areas will have DSL, Ethernet, ISDN and/or PBX Trunks served via Verizon copper facilities retired on or about January 13, 2020: Towson, MD; Jersey City and Ridgewood, NJ; Hewlett and Liverpool, NY; Philadelphia, PA; Providence, RI and Richmond, VA. **Please note, this notification does not affect other services you may have with Windstream.**

The change requires action on your part. An Account Representative will be contacting you shortly to make you aware of your options and assist you in any way possible to ensure a smooth transition prior to the service retirement.

To avoid service interruption, we encourage you to explore an alternative service solution with Windstream. Failure to make arrangements for an alternative service may result in permanent service termination or insufficient time to transition to a replacement service, with no immediate restoral options.

Thank you for your time and attention to this important matter. If you have any questions, please contact us at «Care».

Regards,

Customer Care

Attachment 2

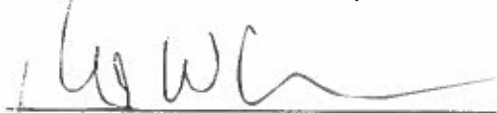
Certification Pursuant to Sec 63.71(i)(2)

**ATTACHMENT 2
CERTIFICATION**

Copper Retirement Certification

I am Director, Access, for Windstream Services, LLC ("Windstream"). Pursuant to Federal Communications Commission ("FCC") Rule 63.71(i)(2), 47 C.F.R. §63.71(i)(2), I hereby certify, under penalty of perjury, that copper retirement is the basis for Windstream's foregoing application for discontinuance of service. I further certify that am authorized to execute this certification.

Executed: November 19, 2019

A handwritten signature in dark ink, appearing to read 'M. W. Crean', is written over a horizontal line.

Michael W. Crean
Director – Customer Access
Windstream Services, LLC